

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HELEN MOODY, and)	
CATHERINE KEATON,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 2:07-CV-00318-WHA
)	
SHAWN DEE THORNTON, et al.,)	
)	
Defendants.)	

APPLICATION FOR ENTRY OF DEFAULT

COME NOW the Plaintiffs Helen Moody and Catherine Keaton (“Plaintiffs”) and request that this Clerk enter a default against Defendant Shawn Dee Thornton (“Thornton”) pursuant to *Fed. R. Civ. P.* 55(b)(1). In support thereof, Plaintiffs state as follows:

1. Thornton has failed to plead or otherwise defend himself in this action.
2. The Plaintiffs damages are for a sum uncertain. Plaintiffs have incurred and continue to incur medical damages as well as damages for physical and emotional distress.
3. Plaintiffs reside in the State of New York. As such, Plaintiffs request that they be granted leave to prove their damages via affidavits submitted within fourteen (14) days of this Clerk’s entry of default in lieu of a hearing on damages which would cause them to incur significant additional expense. Furthermore, Plaintiff Catherine Keaton is 84 years old and requiring her to attend a hearing on the issue of her damages at this point would constitute a severe and undue burden.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that this Clerk enter a Default against Defendant Shawn Dee Thornton and allow the Plaintiffs to prove their damages via affidavits submitted within fourteen (14) days of the entry of such an Order.

Respectfully submitted this 21st day of November, 2007.

/s Jason E. Gammons

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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion to Dismiss on all parties of record by placing a copy of the same in the United States Mail, postage prepaid, and addressed as follows and/or by filing the same with the Courts CM/ECF system on this the 21st day of November, 2007.

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